

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 JESUS LOPEZ CHAVEZ,) No. C 09-2521 LHK (PR)
12 Petitioner,) ORDER DENYING MOTION FOR
13 vs.) LEAVE TO PROCEED IN FORMA
14) PAUPERIS ON APPEAL
15 BEN CURRY,)
16 Respondent.)

Petitioner, a state prisoner, filed a petition in pro se for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a decision of the Board of Parole Hearings. On December 21, 2010, the Court denied the petition, and denied a certificate of appealability. On January 25, 2011, Petitioner filed a motion for leave to proceed in forma pauperis (“IFP”) on appeal. (Docket No. 20.) When Petitioner first filed this action, he paid the district court filing fee; therefore, he was not proceeding IFP in this Court. Petitioner does need permission to proceed IFP on appeal. *See Fed. R. App. P 24(a)(1).* Because the appeal is not taken in good faith, *see* 28 U.S.C. § 1915(a)(3), the motion is DENIED. Petitioner may renew the motion in the Court of Appeals. *See Fed. R. App. P. 24(a).*

IT IS SO ORDERED.

Dated: 5/23/11

LUCY H. KOH
United States District Judge